

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09NOV2009 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement submitted on 09NOV2009 has been considered by the Examiner and made of record in the application.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- The claim terminology “microprocessor”, which appears throughout the claims, lacks proper antecedent basis in the specification. The Examiner suggests replacing “microprocessor” with -- central processing unit (CPU)-- which had proper antecedent basis in the specification.
- The claim terminology “computer-readable storage medium”, which appears in (at least) claims 41 and 42, lacks proper antecedent basis in the specification (see Claim Rejections - 35 USC § 101 for suggested corrections ).

- The claim terminology “operated partner”, which appears throughout the claims, lacks proper antecedent basis in the specification.
- The claim terminology “operating unit”, which appears throughout the claims, lacks proper antecedent basis in the specification.

The claims have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which Applicant may become aware in the claims.

#### ***Claim Objections***

4. **Claim 35** is objected to under 37 CFR 1.75 as being a substantial duplicate of **claim 34**.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 41 and 42** rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 41** states: A **computer-readable storage medium** storing a computer program that causes a computer executing the program to function as the wireless communication device according to claim 19.

**Claim 42** states: A **computer-readable storage medium** storing a computer program that causes a computer executing the program to function as the wireless communication device according to claim 29.

Applicant attempts to claim non-statutory subject matter (i.e. signal). Computer-readable storage medium is now understood to include propagation media (i.e. signals) unless otherwise defined in the specification. Applicant fails to claim a proper computer-readable medium and thus fails to fall within a statutory category and is thus, per se, considered signal. The Examiner suggests amending the claims by replacing "computer-readable storage medium" with --non-transitory computer-readable storage medium-- and amending the specification to include the term non-transitory computer-readable storage medium, without adding new matter, such that non-transitory computer-readable storage medium is defined as including only statutory subject matter (e.g. Specification; page 13 lines 18-22). If Applicant should have any further questions regarding this objection the Applicant is encouraged to contact the Examiner and schedule an interview for further explanation.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 19-21, 23-27, 29-32, 34-39, 41, 42, 43, and 44-48** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozawa et al. (US patent # 6,115,137)** in view of **Fujinami (US Patent Publication # US 2003/0123840 A1)**.

a) Consider **claim 19**, Ozawa et al. clearly show and disclose, a wireless communication device comprising: a wireless communication unit for communicating wirelessly (figure 1 column 4 lines 45-54); an operation unit for accepting an operation by a user (figure 2, column 4 lines 55-67, column 5 lines 1-10); and a controller that include a microprocessor for controlling the wireless communication device (figure 2, column 4 lines 55-67, column 5 lines 1-25), wherein the controller: detects the operation by the user accepted by the operation unit for setting a communication

parameter (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); detects, based on a signal received by the wireless communication unit, another wireless communication device at which another user operation for setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, abstract, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 15-38 lines 39-46); performs a process of setting the communication parameter with the other wireless communication device through the wireless communication unit (figure 5, column 6 lines 19-32); and terminates the process at the wireless communication device at which the instruction has been made within a predetermined time period after the user operation of the operation unit for setting the parameter is detected (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein Fujinami discloses terminating the process of setting the communication parameter as a failure if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of

Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

b) Consider **claim 20**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19, further comprising a display unit adapted to display an error of the process of setting the communication parameter, if the process of setting the communication parameter is terminated as a failure (Fujinami; paragraph [0089]).

c) Consider **claim 21**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19, wherein a search signal for searching for another wireless communication device is transmitted through the wireless communication unit, if the controller detects the user operation for setting the communication parameter (Ozawa; figure 5, column 6 lines 19-65), and wherein the other user operation at the other wireless communication device is detected based on a response signal from other wireless communication device responding to the search signal (Ozawa; figure 6, column 7 lines 15-38).

d) Consider **claim 23**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19, wherein the wireless communication device is an image processing apparatus having an image capturing unit for capturing an image (Ozawa; abstract, column 1 lines 66-67, column 2 lines 1-9).

e) Consider **claim 24**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19, wherein the wireless communication device is an image processing apparatus having an image outputting unit for outputting an image (Ozawa; abstract, column 2 lines 39-51).

f) Consider **claim 25**, Ozawa et al. clearly show and disclose, a method of controlling a wireless communication device that includes a microprocessor, the method comprising: detecting a first user operation for setting a communication parameter is made (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); detecting, based on a received signal, another wireless communication device at which a second user operation of setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, abstract, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 15-38 lines 39-46); performing a process of setting the communication parameter with the other wireless communication device (figure 5, column 6 lines 19-32); terminating the process of setting the communication parameter within a predetermined time period after the user operation for setting the communication parameter is detected, wherein the terminating is performed, at least in part, by the microprocessor (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure if a plurality of other wireless communication device are detected.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein terminating the process of setting the communication parameter as a failure if a plurality of other wireless communication device are detected (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of

Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

g) Consider **claim 26**, and **as applied to claim 25 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 25, further comprising notifying a user of the failure, if the process of setting the communication parameter is terminated (Fujinami; paragraph [0089]).

h) Consider **claim 27**, and **as applied to claim 25 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 25, further comprising transmitting a search signal for searching another wireless communication device, if the user operation for setting the communication parameter is detected (Ozawa; figure 5, column 6 lines 19-65), wherein the second user operation is detected based on a response signal from the other wireless communication device responding to the search signal (Ozawa; figure 6, column 7 lines 15-38).

i) Consider **claim 29**, Ozawa et al. clearly show and disclose, a wireless communication device comprising: a wireless communication unit for communicating wirelessly (figure 1 column 4 lines 45-54); an operation unit for accepting an operation by a user (figure 2, column 4 lines 55-67, column 5 lines 1-10); and a controller that include a microprocessor for controlling the wireless communication device (figure 2, column 4 lines 55-67, column 5 lines 1-25), wherein the controller: detects a user operation of the operating unit for setting a communication parameter (figure 2, figure 3, figure 5, figure 6, column 5 lines 1-10, column 6 lines 19-32 lines 49-65); determine whether an operated partner device exists at which another user operation for setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 39-46); performs a process of setting the communication parameter with the



operated partner device through the wireless communication unit (figure 5, column 6 lines 19-32); terminates the process within a predetermined time period elapsed from when the user operation of the operation unit for setting the communication parameter is detected (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein Fujinami discloses a terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

j) Consider **claim 30**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, further comprising a notify unit adapted to notify a user of an error, if the process of setting the communication parameter is terminated as a failure (Fujinami; paragraph [0089]).

k) Consider **claim 31**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein a search signal for searching for the operated partner device is transmitted by the wireless communication unit, if the user operation of the operation unit for setting the communication parameter is detected (Ozawa; figure 5, column 6 lines 19-65), the operated device is determined to exist based on a response signal from the operated partner device transmitted in response to the search signal (Ozawa; figure 6, column 7 lines 15-38).

l) Consider **claim 32**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein the operated partner device is determined to exist based on a signal transmitted from the operated partner device (Ozawa; figure 5, figure 6, column 6 lines 19-32, column 7 lines 15-38).

m) Consider **claim 34**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein the wireless communication device is an image processing apparatus that having an image capturing unit for capturing an image (Ozawa; abstract, column 1 lines 66-67, column 2 lines 1-9), and wherein the operation unit is operated to enter the wireless communication device into a network (Ozawa; figure 2, figure 3, figure 5, figure 6, column 5 lines 1-10, column 6 lines 19-32 lines 49-65).

n) Consider **claim 35**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein the wireless communication device is an image processing apparatus having an image output unit for outputting an image (Ozawa; abstract, column 2 lines 39-51), and wherein the operation unit is operated to enter the wireless device into a network (Ozawa; figure 2, figure 3,

figure 5, figure 6, column 5 lines 1-10, column 6 lines 19-32 lines 49-65).

o) Consider **claim 36**, Ozawa et al. clearly show and disclose, a method of controlling a wireless communication device that includes a microprocessor, the method comprising: detecting a first user for setting a communication parameter (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); determining whether an operated partner device exists at which a second operation for setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, abstract, column 19-32 lines 66-77, column 7 lines 1-9 lines 39-46); performing a process of setting the communication parameter with the operated partner device (figure 5, column 6 lines 19-32); and terminating the process within a predetermined time period elapsed from when the first user operation for setting the communication parameter is detected, wherein the terminating is performed, at least in part, by the microprocessor (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure if a plurality of operated partner devices are detected.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein Fujinami discloses terminating the process of setting the communication parameter as a failure if a plurality of operated partner devices are detected (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of

Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

p) Consider **claim 37**, and **as applied to claim 36 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 36, further notifying a user of an error, if the process of setting the communication parameter is terminated (Fujinami; paragraph [0089]).

q) Consider **claim 38**, and **as applied to claim 36 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 36, further transmitting a search signal for searching for the operated partner device if the first user operation for setting the communication parameter is detected (Ozawa; figure 5, column 7 lines 10-14, column 6 lines 19-65), wherein, the operated partner device determined to exist based on a response signal from the operated partner device transmitted in response to the search signal (Ozawa; figure 6, column 7 lines 10-14, column 7 lines 15-38).

r) Consider **claim 39**, and **as applied to claim 36 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 36, wherein the operated partner device is determined to exist based on a signal transmitted from the operated partner device (figure 5, figure 6, column 6 lines 19-32, column 7 lines 15-38).

s) Consider **claim 41**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, a computer-readable storage medium storing a computer program that causes a computer executing the program to function as the wireless communication device according to claim 19 (Ozawa; column 4 lines 55-60, column 5 lines 30-35).

t) Consider **claim 42**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, a computer-readable storage medium storing a computer

program that causes a computer executing the program to function as the wireless communication device according to claim 29 (Ozawa; column 4 lines 55-60, column 5 lines 30-35).

u) Consider **claim 43**, and **as applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19, wherein the operation unit includes an operation button, and the operation by the user for setting the communication parameter is a pushing of the operation button (Ozawa; figure 2, column 5 lines 6-10).

v) Consider **claim 44**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein the operation unit includes an operation button, and the user operation for setting the communication parameter is a pushing of the operation button (Ozawa; figure 2, column 5 lines 6-10).

w) Consider **claim 45**, Ozawa et al. clearly show and disclose, a wireless communication device comprising: a wireless communication unit for communicating wirelessly (figure 1 column 4 lines 45-54); an operation unit for accepting an operation by a user (figure 2, column 4 lines 55-67, column 5 lines 1-10); and a controller that includes a microprocessor for controlling the wireless communication device (figure 2, column 4 lines 55-67, column 5 lines 1-25), wherein the controller: detects a user operation of the operation unit for setting a communication parameter (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); detects, based on a signal received by the wireless communication unit, another wireless communication device at which another user operation for setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, abstract, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 15-38 lines 39-46); performs a process of setting the communication parameter with the other wireless communication

device through the wireless communication unit (figure 5, column 6 lines 19-32). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein Fujinami discloses terminating the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

x) Consider **claim 46**, Ozawa et al. clearly show and disclose, a wireless communication device comprising: a wireless communication unit for communicating wirelessly (figure 1 column 4 lines 45-54); an operation unit for accepting an operation by a user (figure 2, column 4 lines 55-67, column 5 lines 1-10); a controller that includes a microprocessor for controlling the wireless communication device (figure 2, column 4 lines 55-67, column 5 lines 1-25), wherein the controller: detects the operation by the user of the operation unit for setting a communication parameter

(figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); determines whether an operated partner device exists, at which another user operation for setting the communication parameter has been made (figure 2, figure 3, figure, 5, figure 6, abstract, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 15-38 lines 39-46); performs a process of setting the communication parameter with the operated partner device though the wireless communication unit (figure 5, column 6 lines 19-32); and terminates the process of setting the communication parameter as a failure (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein Fujinami discloses terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

y) Consider **claim 47**, Ozawa et al. clearly show and disclose, a method of controlling a wireless communication device that includes a microprocessor, the method comprising: detecting a

first user operation for setting a communication parameter (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); detecting, based on a received signal, another wireless communication device at which a second user operation for setting the communication parameter has been made (figure 2, figure 3, figure 5, figure 6, abstract, column 6 lines 19-32 lines 66-67, column 7 lines 1-9 lines 15-38 lines 39-46); performing a process of setting the communication parameter with the other wireless communication device (figure 5, column 6 lines 19-32); and terminating the process of setting the communication parameter as a failure, wherein the terminating is performed, at least in part, by the microprocessor (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose and terminating the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein and terminating the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have been made, are detected (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami;



paragraph [0089]), thereby preventing communication errors.

z) Consider **claim 48**, Ozawa et al. clearly show and disclose, a method of controlling a wireless communication device that includes a microprocessor, the method comprising: detecting a first user operation for setting a communication parameter (figure 2, figure 3, figure 5, figure 6, column 6 lines 19-32 lines 49-65); determining whether an operated partner device exists, at which a second operation for setting the communication parameter has been made figure 2, figure 3, figure, 5, figure 6, abstract, column 19-32 lines 66-77, column 7 lines 1-9 lines 39-46); performing a process of setting the communication parameter with the operated partner device (figure 5, column 6 lines 19-32); and terminating the process of setting the communication parameter as a failure within a predetermined time period elapsed from when the first user operation for setting the communication parameter is detected, wherein the terminating is performed, at least in part, by the microprocessor (column 7 lines 10-14). However, Ozawa et al. does not specifically disclose terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist.

Fujinami shows and discloses a method for communication suitable for use in interconnecting a plurality of household communication apparatus, wherein terminating the process of setting the communication parameter as a failure, if a plurality of operated partner devices is determined to exist (paragraph [0088], [0089]).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Fujinami and Ozawa et al. since both concern configuring communications between two devices and as such, both are with in the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate indicating a failure to set a communication parameter when a

plurality of signals are detected from a plurality of devices, as taught by, Fujinami into the system of Ozawa et al. for the purpose of preventing multiple devices from being selected (Fujinami; paragraph [0089]), thereby preventing communication errors.

10. **Claims 22, 28, 33, and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozawa et al. (US patent # 6,115,137)** in view of **Fujinami (US Patent Publication # US 2003/0123840 A1)**.

a) Consider **claim 22**, and as **applied to claim 19 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 19. However, Ozawa et al. does not specifically disclose the process of setting the communication parameter as a failure, if no user operation at the other wireless communication-device is detected at within the predetermined time period.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that the process of setting the communication parameter as a failure if no user operation at the other wireless communication-device is detected within the predetermined time period.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to indicate the communication establishment process as a failure, if no candidate device was detected upon establishing a wireless connection channel because there would be no need to establish a connection if there was not candidate device detected, as known in the art, in the method taught by Ozawa et al. for the purpose of preventing a communication device for endlessly seeking another device to connect with when one is not present.

b) Consider **claim 28**, and as **applied to claim 25 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 25. However, Ozawa et al. as

modified by Fujinami does not specifically disclose the process of setting the communication parameter is terminated as a failure, if no signal transmitted from the other wireless communication device is detected within the predetermined time period after the first user operation for setting the communication parameter is detected.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art to terminate that the process of setting the communication parameter is terminated as a failure, if no signal transmitted from the other wireless communication device is detected within the predetermined time period after the first user operation for setting the communication parameter is detected.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to indicate the communication establishment process as a failure if no candidate device was detected upon establishing a wireless connection channel because there would be no need to establish a connection if there was not candidate device detected, as known in the art, in the method taught by Ozawa et al. for the purpose of preventing a communication device for endlessly seeking another device to connect with when one is not present.

c) Consider **claim 33**, and **as applied to claim 29 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the wireless communication device according to claim 29, wherein the first detection unit detects the button operation (Ozawa; column 5 lines 1-10). However, Ozawa et al. as modified by Fujinami does not specifically discloses the process of setting the communication parameter is terminated as a failure if no operated partner device is determined to exist within the predetermined time period.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that discloses the process of setting the communication parameter is terminated as a failure if no operated partner device is determined to exist within the predetermined time period.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to indicate the communication establishment process as a failure if no candidate device was detected upon establishing a wireless connection channel because there would be no need to establish a connection if there was not candidate device detected, as known in the art, in the method taught by Ozawa et al. for the purpose of preventing a communication device for endlessly seeking another device to connect with when one is not present.

d) Consider **claim 40**, and **as applied to claim 36 above**, Ozawa et al. as modified by Fujinami clearly show and disclose, the method according to claim 36, wherein detection step detects the button operation (Ozawa; column 5 lines 1-10). However, Ozawa et al. as modified by Fujinami does not specifically disclose the process of setting the communication parameter is terminated as a failure, if no operation partner device is determined to exist within the.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that the process of setting the communication parameter is terminated as a failure, if no operation partner device is determined to exist within the.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to indicate the communication establishment process as a failure if no candidate device was detected upon establishing a wireless connection channel because there would be no need to establish a connection if there was not candidate device detected, as known in the art, in the method taught by Ozawa et al. for the purpose of preventing a communication device for endlessly seeking another device to connect with when one is not present.

***Response to Arguments***

11. Applicant's arguments filed 09NOV2009 have been fully considered but they are not persuasive.

Applicant argues that “Nothing in *Fujinami* teaches or suggests that the DVD player 1-1 detects plurality of other devices, at which users have performed operations for setting a communication parameter, within a predetermined time period after a user of the DVD player 1-1 performs an operation for setting the communication parameter.”

The Examiner respectfully disagrees; Fujinami clearly discloses that the DVD player 1-1 detects plurality of other devices, at which users have performed operations for setting a communication parameter, within a predetermined time period after a user of the DVD player 1-1 performs an operation for setting the communication parameter (paragraphs [0088], [0089]). Fujinami clearly discloses that DVD player 1-1 (wireless communication unit) detects that the control signal (operation for setting a communication parameter) is received by another device (e.g. DVD player 1-2)(detects a plurality of other wireless communication devices) on the network and then when another apparatus (e.g. DVD player 1-2)(other wireless communication device) also receives the control signal (i.e. is detected) it indicates to the user of a failure in setting, and enters standby mode (terminates the process as a failure). Fujinami clearly discloses that when multiple devices (DVD players) are detected during the process of setting a communication parameter (issuing a control signal to set the devices) it terminates the process as a failure (notifies the user of a failure in setting and enters standby mode). Therefore, Fujinami clearly discloses terminating the process of setting the communication parameter as a failure, if a plurality of other wireless communication devices, at which user operations for setting the communication parameter have

been made, is detected within a predetermined time period after the user operation of the operation unit for setting the parameter is detected.

The Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the Examiner.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 2009/0241072 A1
- US 2009/0179991 A1
- US 7,600,050 B2
- US 2009/0323108 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL C. MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. C. M./  
Examiner, Art Unit 2443

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2443